<u>REMARKS</u>

Claims 1-14 and 21 are pending in the application. Claims 22-26 were added by

Applicants in the Amendment and Response filed on June 12, 2002. The Examiner asserts that

the amendment to the claims does not comply with the requirements of 37 CFR 1.121(c) because

Applicants have provided new claims 22-26 although claims 22-23 were canceled in the

preliminary amendment. The examiner further states that claim 26 is dependent upon canceled

claim 23.

In response, Applicants have amended the claims under consideration to correct

inadvertent typographical errors in the claim numbering and to correct claim dependencies. The

amendments presented herein contain no new matter. Attached hereto is a marked-up version of

the changes made to the claims captioned "Version of Amendments With Markings To Show

Changes Made."

CONCLUSION

Applicants respectfully request entry and consideration of the foregoing amendments and

reconsideration and allowance of the case. To the extent the Examiner believes that it would

facilitate allowance of the case, the Examiner is requested to telephone the undersigned at the

number below.

Respectfully submitted,

Dated: Splember 4, 2002

John P. Iwanicki, Reg. No. 34,628

BANNER & WITCOFF, LTD.

28 State Street, 28th Floor

Boston, MA 02109

(617) 227-7111

USSN 09/863,777 Express Mail Receipt No. EV 105864479 US 3

Version of Amendments with Markings to Show Changes Made

In the Claims:

Kindly amend the claims as follows:

[22] 24. (Amended) The compound of claim 5 wherein the phosphorothioate is selected

from the group consisting of alkyl phosphorothioate, cycloalkyl phosphorothioate, and

phosphorodithioates.

[23] 25. (Amended) The compound of claim 8 wherein the intercalating agent is a

substituted acridine.

[24] 26. (Amended) The compound of claim 13 wherein the intercalating agent is a

substituted acridine.

[25] <u>27</u>. (Amended) The compound of claim [23] <u>25</u> wherein the substituted acridine is

selected from the group consisting of 2-methoxy-6-chloro-9-pentylaminoacridine, N-(6-chloro-2-

methoxyacridinyl)-O-methoxydiisopropylaminophosphinyl-3-aminopropanol, and N-(6 chloro-

2-methoxyacridinyl)-O-methoxydiisopropylaminophosphinyl-5-aminopentanol.

[26] 28. (Amended) The compound of claim [24] 26 wherein the substituted acridine is

selected from the group consisting of 2-methoxy-6-chloro-9-pentylaminoacridine, N-(6-chloro-2-

methoxyacridinyl)-O-methoxydiisopropylaminophosphinyl-3-aminopropanol, and N-(6 chloro-

 $2\hbox{-methoxyacridinyl})\hbox{-}O\hbox{-methoxydiisopropylaminophosphinyl-}5\hbox{-aminopentanol}.$

USSN 09/863,777 Express Mail Receipt No. EV 105864479 US